

THE DAILY COMMONWEALTH.

SATURDAY, FEBRUARY 27, 1847.

KENTUCKY LEGISLATURE.

IN SENATE.

FRIDAY, FEB. 26.

The Senate was opened with prayer by Rev. Mr. WATERMAN.

Reports from Standing Committees.

Mr. PEYTON, from committee on Judiciary, reported a bill from H. R. concerning the town of Glasgow; passed.

Mr. FOX, from committee on Education, reported the following bills from H. R. which were passed: A bill to incorporate the Paintsville Library Society.

A bill for the benefit of the Common Schools of Cumberland county.

A bill to incorporate the Union Seminary, in Owen county.

A bill to remodel and establish permanently the system of Common Schools in this Commonwealth, with the opinion that it ought not to pass. The bill was rejected.

Also—a joint resolution from H. R. complimentary to R. T. Dillard, Superintendent of Public Instruction; adopted.

Mr. HEADY, from committee on Military Affairs, made a report in response to a resolution of inquiry, accompanied by a bill providing an office for the Adjutant and Quarter Master General; passed.

Mr. MERIWETHER, from H. R. had leave to withdraw disagreement of the H. R. to a bill for the benefit of Robt. Triplett, &c.

Mr. HEADY, from committee on Military Affairs, asked to be discharged from the consideration of a petition of Ohio county, praying the passage of a law increasing the number of musters. Committee discharged.

Also—reported a bill from H. R. for the benefit of the Jessamine Cavalry, with an amendment; concurred in, and bill passed.

Also—a resolution, rejecting the nomination of Jeremiah Powers, to be Colonel of the 12th Regiment, Kentucky Militia; adopted.

Also—a resolution, rejecting the nomination of B. F. McKissen, to be Colonel of the 24th Regiment, Kentucky Militia; adopted.

Also—a bill from H. R. for the benefit of the Lexington Rifles; passed.

Mr. HELM, from committee on Sinking Fund, reported a bill from H. R. to amend the act reducing into one the several acts incorporating the Frankfort, Versailles and Lexington Turnpike Company, with an amendment. The bill authorizes the erection of a toll gate within a quarter of a mile of the town of Frankfort. The amendment provides that the company shall not have such authority until after the next election of President and Directors, and not then, if the Railroad lessees, or the town of Frankfort will pay to said company, fifty dollars semi-annually, towards keeping the road in repair.

Mr. THORNTON offered a substitute, providing that the question as to the amount to be paid to the Turnpike company, should be referred to referees, and if the lessees should pay the amount thus decided, then the gate should not be removed from its present location.

Mr. THORNTON, Mr. BUTLER and Mr. J. SPEED SMITH argued in favor of the substitute.

Mr. HELM urged the adoption of the committee's amendment.

Mr. FOX opposed the original bill, amendment and substitute.

Mr. RUSSSELL moved to lay the bill and amendments on the table.

Upon this motion, the vote stood—yeas 10, nays 21.

So the Senate refused to lay the bill on the table.

The vote on the substitute stood—yeas 13, nays 16.

So the substitute was rejected.

The amendment offered by the committee, was then adopted.

The bill as amended, was ordered to a third reading, by a vote of 22 to 8.

The Senate refused to dispense with the third reading of the bill.

Mr. HELM, from same committee, reported a bill from H. R. directing the agents of the States, directed and empowered by Second Auditor, to sell the lands forfeited for the non-payment of tax, with an amendment; concurred in, and bill as amended, passed.

Mr. SLAUGHTER from committee on Agriculture and Manufactures, reported a bill to promote the growth and manufacture of silk; passed.

Also—a bill to protect sheep from dogs, with a substitute.

On motion of Mr. HARRIS, the bill and substitute were laid on the table.

Also—a bill to appoint a State Geologist.

Mr. HEADY moved to lay the bill on the table.

The Senate refused to lay the bill on the table.—Yeas 9, nays 25.

The bill was then passed into the orders of the day.

Mr. WILLIAMS, from committee on Federal Relations, reported the following resolutions from H. R.:

WHEREAS, a war exists between the United States and Mexico; therefore,

Resolved by the General Assembly, &c., That it is the imperative duty of the President of the United States, to use all possible means in his power, that are honorable and fair, to terminate and bring said war to a speedy close, and to make peace, doing no act in the adjustment of the matter, that will in the least, compromise the honor and character of the United States.

Resolved further, That while said war continues, it is the duty of Congress to afford and vote for a sufficient number of men, and an ample supply of means and money, to prosecute said war with energy and vigor.

Resolved further, That the Governor be requested to forward to the President of the United States, and to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.

Mr. J. SPEED SMITH moved to lay the resolutions on the table.

Mr. S. said he could not vote for the resolutions.

By indirection, fears are expressed that the war with Mexico may be ingloriously abandoned, or closed by a disgraceful peace; and we are asked to prevent this by declaring our disapprobation of such results. He could not give a moment's indulgence to such a reflection on the Government. No fears were entertained by him of such a course. The resolution seems to doubt the President and Senate—the peace making power of our Government. So far from expressing, he would entertain no such fears, and therefore moved to lay the resolution on the table.

Upon this motion, the vote stood as follows:

YEAS.—Messrs. Boyd, Bramlette, Brien, Bristow, Butler, Draffin, Fox, Harris, Hawkins, Heady, Helm, Holloway, James, Marshall, McNary, Russell, Rice, Slaughter, Speed Smith, South, Swope, Thorman, Todd, Walker, Wall and Williams—16.

NAYS.—Messrs. Bradley, Fox, Harris, Heady, Henderson, Holloway, James, Marshall, Rice, South, Swope, Thorman, Todd, Walker, Wall and Williams—16.

So the resolutions were laid on the table.

Mr. HAWKINS, from committee on Public Officers, presented a report.

Mr. HAWKINS sportively said, that the committee of which he had the honor to be the chairman, would now beg leave to make their report. It was true that the labors had been truly arduous, yet he must say that they had been very greatly mitigated, from the fact of their having received at the hands of the public officers, the most kind and hospitable treatment.

Mr. PEYTON, from committee on Judiciary, reported a bill from H. R. to repeal in part, an act providing for the appointment of patrollers, with an amendment; amendment concurred in.

Mr. BUTLER moved to lay the bill on the table; lost.

The bill was then ordered to be read a third time, but the Senate refused to dispense with third reading.

Also—a bill from H. R. authorizing Justices of the Peace to try attachment causes out of term time; passed.

Also—a bill from H. R. to legalize the proceedings of the commissioners who run and marked the line between Bullitt and Jefferson counties; passed.

Also—a bill from H. R. for the benefit of the administrators of H. K. Chisham, dec'd; passed.

Also—a bill concerning the writ of mandamus. (Provides that it shall only issue against the 1st and 2d Auditors and Treasurer, from the General Court or Circuit Court of Franklin.) Passed.

Mr. SWOPE, from committee on Privileges and Elections, reported a bill from H. R. changing certain election precincts.

Mr. SOUTH moved to strike out the sections changing precincts in Clay, Perry and Letcher counties; carried.

The bill thus amended was passed.

Mr. WALKER, from committee on Propositions and Grievances, asked to be discharged from the consideration of the petition of sundry citizens of Flemingsburg, asking a repeal of the act establishing a Fire Company in said town.

Also—reported a bill from H. R. allowing an additional Justice of the Peace and Constable to Harlan county, and additional Justices of the Peace to Owen and Trimble counties; passed.

Also—a bill from H. R. to extend the limits of the town of Irvine; passed.

Mr. DRAFFIN moved to ask permission, to withdraw from H. R., the report of the disagreement of the Senate, to a bill from H. R. for the benefit of Robert Williams.

Mr. PEYTON objected to the consideration of this motion.

Messrs. SWOPE and WILLIAMS contended that this was a privileged motion, it being preparatory to a motion to reconsider.

The SPEAKER decided that the motion to ask leave to withdraw, was not a privileged motion, and required a vote dispensing with the rules, before it could be considered.

Mr. SWOPE appealed from the decision of the Chair.

The Senate sustained the decision of the Chair.

The Senate refused to dispense with the rules to consider the motion of Mr. DRAFFIN.

Mr. FOX offered a joint resolution that the two Houses would adjourn on Monday at 10 o'clock, A. M.

The rules being dispensed with, the resolution was adopted.

Mr. WALL moved to dispense with the rules of the Senate, so as to consider a motion to ask leave to withdraw from H. R., the report of the concurrence of the Senate, in a bill to change the time of holding the terms of the Court of Appeals; lost.

Mr. WILLIAMS offered an additional Senate rule, that a motion to ask leave to withdraw a report made to H. R. from the Senate, should be considered a privileged motion.

A motion to dispense with the rules, to act on the resolution, was lost, and it lies on the table one day.

H. R. Bills, &c.

A bill for the benefit of John Goodridge; passed.

Resolutions in relation to an abolition mob in the State of Michigan; adopted.

Order of the Day.

A message from the Governor nominating James Samuel to be Sheriff of Bullitt county, (published in yesterday's proceedings.)

Mr. DRAFFIN proposed the following preamble and resolutions:

WHEREAS, the Governor sent a message to the Senate on the — inst., nominating Thomas J. Joice, to be Sheriff of Bullitt county, in the place of James Samuel, who he represented had "vacated his office by failing to give bond for the collection of the county levy, and revenue tax, &c., as required by law." And whereas, the Senate upon full consideration of the subject matter of said message, were of the opinion that no vacancy existed in the office of Sheriff of said county, and so believing, refused to advise and consent to the nomination of the said Joice.

And whereas, the Governor has since communicated another message to the Senate, assuming that the rejection of the first nomination was based upon a supposed want of "fitness and qualifications for the office," and nominating the said "James Samuel to be Sheriff of Bullitt county, to fill the vacancy occasioned by his failure to give bond for the collection of the revenue tax, &c., as required by law." Therefore,

Resolved, That in the opinion of the Senate, no vacancy exists in the office of Sheriff, of Bullitt county, and that James Samuel is the legal Sheriff of said county.

Resolved, That the message of the Governor nominating James Samuel to be Sheriff of Bullitt county, be laid on the table, and that no further action be had thereon.

Mr. PEYTON moved to strike out the preamble. Upon this motion the vote stood as follows, viz:

YEAS.—Messrs. Boyd, Crenshaw, Henderson, Key, Peyton, Swope, Taylor, and Thornton—8.

NAYS.—Messrs. Bradley, Bramlette, Brien, Bristow, Butler, Draffin, Fox, Harris, Hawkins, Heady, Helm, Holloway, James, Marshall, McNary, Rice, Russell, Slaughter, Speed Smith, South, Swope, Thorman, Todd, Walker, Wall, Williams—27.

NAYS.—Messrs. Boyd, Crenshaw, Henderson, Key, Peyton, Taylor and Thornton—7.

So the preamble and resolutions were adopted.

On motion the Senate took a recess until three o'clock.

Afternoon Session.

Senate met at 3 o'clock.

Mr. FOX had leave to ask permission to withdraw from H. R. report of disagreement of Senate to a bill for the benefit of the clerk of the Russell County Court, and the vote was reconsidered, and bill passed.

A bill from H. R. for the benefit of John R. Desha, permitting him to bring a negro woman and her 2 children into the State.

Mr. BRISTOW offered an amendment, permitting Samuel Hatcher to bring a slave into the State; adopted.

The bill as amended, was passed.

Mr. WILLIAMS moved to dispense with the rules, so as to consider a motion to ask leave to withdraw from H. R. report of Senate's disagreement to a bill for the benefit of Robert Williams; lost.

Reports from Standing Committees.

Mr. J. SPEED SMITH, from committee on Internal Improvement, reported a bill from H. R. to amend an act further prescribing the duties of the Board of Internal Improvement; passed.

Also—a bill to produce uniformity of tolls on the several turnpike roads in this State; passed.

Also—a bill from H. R. to regulate the tolls on Madison fork of the Wilderness road; passed.

Also—a Senate bill for the benefit of C. J. Blackburn, amended in H. R. with the opinion that the Senate should not concur in the amendment.

The Senate disagreed to the amendment.

Also—a bill to incorporate the Anderson, Mercer and Woodford Navigation Company, to construct Lock No. 6.

Also—the Jessamine, Boyle and Garrard Navigation Company, to construct Lock No. 7.

Also—the Fayette, Madison, Clarke and Estill Navigation Company, to construct Locks No. 8, 9 and 10 on the Kentucky river; passed.

Also—a bill making an appropriation for the improvement of Big Sandy river; read second time.

Mr. J. SPEED SMITH, from select committee, reported a bill declaring the Richmond Whig Chronicle, a public authorized newspaper.

Mr. HEADY proposed to amend, by including "The Convention" published in Frankfort; adopted.

The bill as amended was passed.

Mr. PEYTON, from committee on Judiciary, reported a bill to amend an act regulating conveyances made by sheriffs; passed.

Mr. SWOPE, from committee on Privileges and Elections, reported the following bills from H. R. which were passed:

A bill to establish an election precinct at the house of John Hoff, in Pulaski county.

A bill to change an election precinct in Henry county, from J. Elthington's to N. L. Oliver's.

Mr. JAMES, from committee on Finance, reported a bill from H. R. to repeal in part, and amend the several acts incorporating the town of Hickman in Fulton county.

Mr. HELM read a statement at the request of the member of the House from Fulton.

Mr. JAMES opposed the bill, as being against the wishes of the people of Hickman.

On motion of Mr. JAMES, the bill was laid on the table.

Also—the following bills from the H. R., which were severally passed:

A bill for the benefit of J. J. Goodman.

A bill for the benefit of Robt. H. Perry.

A bill for the benefit of A. J. Divine.

A bill for the benefit of S. M. Echert and Wm. Scott, of Campbell county.

A bill for the benefit of John W. Hazelrigg, Clerk of Morgan County Court.

A bill for the benefit of Thos. D. Honaker, and D. Robertson, and E. W. Murphy, and Wm. Sibert.

Also—a bill from H. R. to further protect the interests of wool growers—reduces the pay for wolf scalps to \$3 00, and gives 50 cents for each wild cat killed.

Mr. BRIEN moved to amend, by striking out \$3, and inserting \$4.

Mr. TAYLOR moved the previous question, which being sustained, the bill was passed.

Also—a bill from H. R. for the benefit of T. F. Johnson—with the opinion that it ought not to pass. The bill was rejected.

Also—a bill for the benefit of the Sheriff of Scott county; passed.

Mr. HELM reported a bill for the benefit of John Duncan and Gabriel Kirkpatrick; passed.

Mr. THOMAS offered a resolution, that a message be sent to H. R. asking leave to withdraw a report of the Senate's disagreement to a bill for the benefit of Robt. Williams.

Mr. DRAFFIN moved to reconsider the vote by which the Senate rejected said bill.

Pending said motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Prayer by the Rev. Mr. WATERMAN.

The journal of yesterday was read by the clerk.

Petitions were presented by Messrs. Meriwether, Hobbs and Crawford.

A bill for the benefit of Jacob Corbett, with an amendment from the Senate, was taken up; amendment concurred in.

Mr. MCHENRY moved to reconsider the vote on the passage of a bill allowing an additional term to the Mason and Adair Circuit Courts; carried.

The bill having been amended, striking out the Mason court, passed.

On motion of Mr. MERIWETHER a message was sent to the Senate, to ask the withdrawal of a bill rejected in the House, for the benefit of Robert Triplett and Alexander B. Barrett.

Mr. MERIWETHER moved a reconsideration of the vote by which a bill for the benefit of Robert Triplett and Alexander B. Barrett was rejected.

The vote stood, yeas 55, nays 30. So the vote was reconsidered.

The bill then passed; yeas 49, nays 36.

A message was received from the Senate, announcing the passage of sundry bills &c.,

Mr. MUMFORD from the committee on Enrollments, reported sundry enrolled bills, which thereupon received the signature of the Speaker.

Leave was granted to Mr. FOLEY, to bring in a bill for the benefit of Isham Jones, of Whitley county; referred.

Reports from Standing Committees.

The chairman of the Judiciary committee reported a Senate bill providing for the construction of Morse's Magnetic Telegraph in Kentucky; passed.

Also—a bill for the benefit of the heirs and devisees of Reuben Miles deceased, and Ann Maria Miles; passed.

Also—a bill for the benefit of Mary S. Brewer, changing her name; amended changing the name of Mildred M. Buckner; passed.

Also—a bill authorizing Notaries Public to take depositions and to administer oaths; passed.

Also—a bill to amend the charter of the city of Louisville; passed.

Also—a bill for the benefit of John V. Cowling; allows the importation of certain slaves.

Mr. BROWN on leave, offered an amendment allowing Jesse A. Moorman to import certain slaves.

Mr. SALTER offered an amendment allowing D. and J. White to import twenty slaves.

Mr. GRAVES moved to lay the bill and amendments on the table, which motion he subsequently withdrew, and

Mr. SALTER renewed it.

The yeas and nays being called stood; yeas 25, nays 61. So the bill was not laid on the table.

The amendment of Mr. SALTER, being objected to, as out of order, the question was taken on that offered by Mr. BROWN; adopted.

The bill was then ordered to be read a third time.

Mr. PEARL moved to reconsider the vote ordering the bill to a third reading; carried.

The third reading was then dispensed with, and the bill passed.

Also—a bill for the benefit of the heirs of Thomas Dawson deceased; passed.

Also—a bill for the benefit of John R. Desha—allows the importation of a slave; passed.

Also—a bill for the benefit of Albert G. Tapscott;

Alvan C. Day and Catharine Willis, changing names; passed.

Also—a bill changing the time of holding the Montgomery Circuit Court; passed.

Also—a bill to incorporate the Hopkinsville Water Works Company; passed.

Also—a bill for the benefit of Christopher B. Martins; passed.

Also—a bill for the benefit of the devisees of John Franshaw deceased; passed.

Also—a Senate bill making copies of water leases which have been recorded, evidence; passed.

Also—a Senate bill for the benefit of Elizabeth Jane Smith and others; passed.

Also—a Senate bill to establish the town of Monterey in Owen county, with an amendment, amendment concurred in, and bill passed.

Also—a bill concerning Justices of the Peace. The yeas and nays being called, the vote stood; yeas 38, nays 40.

So the bill was rejected.

Mr. WILLIAMS with a view of amending the bill, moved a reconsideration; carried.

Mr. WILLIAMS proposed to refer the bill to a select committee with instructions to amend the bill to include lawyers, pending which the

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were taken up.

The House took up the bill to incorporate the Licking and Lexington Railroad Company, with an amendment from the Senate to incorporate the Louisville and Frankfort Railroad Company.

The previous question moved by Mr. ARMSTRONG last evening was withdrawn.

The amendment offered by Mr. MARSHALL was read.

Mr. STEVENSON inquired if the amendment was in order since it applied to a bill which had already passed both Houses, viz: the bill to incorporate the Licking and Lexington Railroad Company.

The Speaker decided so much of the amendment as applies to the Licking and Lexington Railroad out of order.

Mr. PAGE moved to re-commit the bill to a select committee, with instructions to report at 3 o'clock.

Mr. HAGGARD moved to amend the motion, by instructing the committee to report at 12 o'clock on Monday.

A motion was made for a call of the House; lost.

The amendment of Mr. Haggard to the motion of Mr. Page, was rejected—yeas 36, nays 56.

The motion of Mr. PAGE was then adopted.

Mr. D. IRVINE offered an amendment to the amendment of the Senate. That all money, whether by bonus, interest or otherwise, which shall or may accrue to the Commonwealth on or by virtue of any of the provisions in the bill or amendments, be set apart and dedicated to aid in continuing and extending the slack water navigation on the Kentucky, Green and Barren rivers, one half on the Kentucky river, and one half on Green and Barren rivers, equally; which was referred to the select committee, with the bill, the amendment of the Senate, and other amendments offered in the house.

The House then went into committee of the whole, Mr. MERIWETHER in the chair, on the resolutions reported by the committee on Federal Relations, in relation to the organization of the militia, and to the appointment of General Officers, by the President, &c.

The SPEAKER remarked upon the report and resolutions of the committee. He regarded the question as one of great importance, and not at all of a political character. He read the clause of the constitution relative to the militia. In the Federal Convention which framed the constitution, Mr. Madison proposed a clause reserving to the President the appointment of General Officers, which was voted down by a vote of eight States to three.

The law of Congress authorizing the President to appoint the General Officers of the militia, was referred to. This was a question of power between the Federal Government and the different States.—He was on the side of the States, believing it the province of the States to appoint the general officers of their own militia.

meres and Velings; French, English and American Prints; ton Shirts and Sheetings, &c.

All orders entrusted to our House, shall receive our most careful attention; and our *One Price System*, (to which we strictly adhere,) is a guaranty to strangers that only one, and a price, will be asked for any article.

Louisville, Feb. 11, 1847.—*I. RAPHAEL & C*

